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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO

		) No. 08-2997 JSW
ELECTRONIC FRONTIER FOUNDATION,	)	
Plaintiff,	)	<b>STIPULATION FOR COURT</b>
	)	<b>ORDER PRODUCTION SCHEDULE</b>
v.	)	<b>AND TO EXTEND TIME TO FILE</b>
	)	<b>MOTION FOR SUMMARY</b>
OFFICE OF THE DIRECTOR OF NATIONAL	)	<b>JUDGMENT AND ORDER THEREON</b>
INTELLIGENCE and UNITED STATES	)	
DEPARTMENT OF JUSTICE	)	
Defendants,	)	
	)	

THE PARTIES HEREBY STIPULATE, pursuant to Local Rules 6-1(a) and 7-12, that the Court shall grant the National Security Division of the Department of Justice (“NSD”) an extension to complete processing plaintiff’s Freedom of Information Act requests that are the subject of the above-captioned case, and order NSD to complete the processing by October 31, 2008. The parties further stipulate that the filing deadline for defendants to file their motion for

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summary judgment shall be reset from November 7, 2008 to November 21, 2008, and that the accompanying briefing schedule shall also be reset. In support of this stipulation the parties state the following:

1. On September 24, 2008, this Court entered an order that “Defendants shall complete the processing of Plaintiff’s Freedom of Information Act (“FOIA”) requests that are the subject of C 08-2997 (JSW) by October 10, 2008.” (Case No. 3:08-cv-08-2997-JSW, Dkt. No. 19).
2. NSD, one of the entities that is a recipient of Plaintiff’s FOIA requests, has discovered after consulting with the other recipients of Plaintiff’s FOIA requests that are the subject of this litigation that NSD may have additional documents within its possession that are responsive to the request. Accordingly, NSD has expanded its search and has discovered thousands of pages that are potentially responsive. Although many of these pages may ultimately be determined to not be responsive, NSD considers that it needs until October 31 to complete processing the documents it is gathering from its expanded search. See Declaration of Charles M. Steele (attached).
3. This extension until October 31, 2008 for NSD to complete processing the documents discovered in the expanded search will not affect the October 10, 2008 deadline for the other recipients of EFF’s FOIA requests which are subject to this litigation.
4. The alteration of the production schedule, however, affects the briefing schedule stipulated by the parties and ordered by the Court. The parties stipulated, and the Court ordered, for defendants to file by November 7, 2008 a consolidated summary judgment motion for the FOIA requests that are the subject of this litigation and Civil Action Number 08-1023 (JSW). (Case No. 3:08-cv-08-1023-

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JSW, Dkt. Nos. 62, 64).

5. Because it will promote judicial efficiency and facilitate resolution of this litigation to have one set of briefing on all of the records that are the subject of this litigation, the parties now stipulate for defendants to file their motion for summary judgment on November 21, 2008; plaintiff file its opposition brief and cross-motion for summary judgment, if any, by December 23, 2008; defendants file their opposition brief, if any, and reply by January 16, 2009; plaintiff file its reply, if any, by January 30, 2009; and the Court notice the hearing on the cross-motions for summary judgment for February 14, 2009, or for another date at the Court's convenience.

Dated: October 7, 2008

Respectfully submitted,

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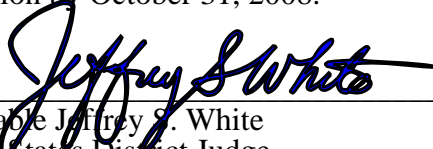
**GENERAL ORDER NO. 45(X) CERTIFICATION**

I attest that I have obtained Kurt Opsahl's concurrence in the filing of this document.

/s/ *Adam D. Kirschner*  
Adam D. Kirschner

PURSUANT TO STIPULATION, IT IS ORDERED that the deadline for defendants' consolidated motion for summary judgment for C 08-1023 (JSW) and C 08-2997 (JSW) be set for November 21, 2008; the deadline for plaintiff to file its opposition brief and cross-motion for summary judgment, if any, be set for December 23, 2008; the deadline for defendants to file their opposition brief, if any, and reply be set for January 16, 2009; the deadline for plaintiff to file its reply, if any, be set for January 30, 2009. It is FURTHER ORDERED that the Hearing on February 27, 2009 Cross-Motions for Summary Judgment is set for ~~February 14, 2009~~ at 9:00 a.m. The National Security Division of the Department of Justice is also ORDERED to complete processing of plaintiff's FOIA request that is subject to this litigation by October 31, 2008.

DATED: October 8, 2008

  
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Honorable Jeffrey S. White  
United States District Judge

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